



Docket No. ORT-1230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott Dax and James McNally

Serial No. : 09/552,969

Art Unit: 1614

Filed : April 20, 2000

Examiner: Liu, H.

For : 3a,4,5,9b-TETRAHYDRO-1H-BENZ[e]INDOL-2-YL AMINE-  
DERIVED NEUROPEPTIDE Y RECEPTORS LIGANDS USEFUL IN  
THE TREATMENT OF OBESITY AND OTHER DISORDERS

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, Washington, D.C. 20231 on

June 4, 2002

(Date of Deposit)

Ralph R. Palo

(Name of applicant, assignee, or Registered Representative)

(Signature)

June 4, 2002

(Date of Signature)

Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION TO WITHDRAWAL HOLDING OF  
ABANDONMENT UNDER 37 CFR 1.181a

Dear Sir:

A notice of abandonment, a copy of which is enclosed dated June 19, 2001 was received in connection with the above identified application. The reason given is that applicants failed to respond to an Office Letter mailed on September 22, 2000. A review of the file reveals that an Amendment was filed, with a certificate of mailing, on January 19, 2001, a copy of which is also attached. The Amendment was filed with a one month extension of time, a copy of which is also attached. A return post card, date stamped by the Patent Office January 23, 2001 listing the Amendment and Extension of Time was received from the Patent Office, a copy of which is enclosed.

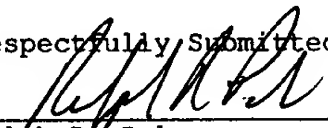
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Based on these facts there was no abandonment in fact. This file and abandonment did not come to the applicants attorneys' attention until about one week ago. While it is recognized that it is over eleven months since the receipt of the Notice of Abandonment, withdrawal of the Notice of Abandonment is respectfully requested. In the alternative, if the time between this Petition and the Notice of Abandonment determined to be, is too long, a Petition to Revive is also attached hereto.

Respectfully Submitted

  
\_\_\_\_\_  
Ralph R. Palo  
Reg. No. 29,486

Johnson and Johnson  
One Johnson and Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2818  
Date: June 4, 2002

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SERIAL NO. 09/552,969

DOCKET NO. RT-1230

BY RRP/cvs

APPLICATION OF S. Dax et al

MAILED: 1/19/01

ENTITLED 3a,4,5,9b-TETRAHYDRO-1H-BENZ [e] INDOL-2-YL

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE  
STAMPED HEREON:

- |   |                                      |   |
|---|--------------------------------------|---|
| <input type="checkbox"/> AFFIDAVIT                                    | <input type="checkbox"/> DECLARATION | <input checked="" type="checkbox"/> EXTENSION OF TIME 1 month         |
| <input checked="" type="checkbox"/> AMENDMENT                         |                                      | <input type="checkbox"/> NOTICE OF APPEAL                             |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING                     |                                      | <input type="checkbox"/> OATH OR <input type="checkbox"/> DECLARATION |
| <input type="checkbox"/> BRIEF  |                                      | <input type="checkbox"/> POWER OF ATTORNEY                            |
| <input checked="" type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0730 |                                      | <input type="checkbox"/> PRELIMINARY STATEMENT                        |
| <input type="checkbox"/> DRAWINGS                                     |                                      | <input type="checkbox"/> PRIORITY DOCUMENT                            |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL                        |                                      | <input type="checkbox"/> STATUS INQUIRY                               |
| <input type="checkbox"/> LETTER                                       |                                      | <input type="checkbox"/> SPECIFICATION _____ PGS                      |
| <input type="checkbox"/> PCT FILING                                   |                                      | <input type="checkbox"/> CLAIMS _____                                 |
| <input type="checkbox"/> IDS - FORM-1449                              |                                      | <input type="checkbox"/> _____  |
- FORM 113708 REV. 7/98

SERIAL NO. 09/552,969

DOCKET NO. RT-1230

BY RRP/cvs

APPLICATION OF S. Dax et al

MAILED: 1/19/01

ENTITLED 3a,4,5,9b-TETRAHYDRO-1H-BENZ [e] INDOL-2-YL

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE  
STAMPED HEREON:

- |   |                                      |   |
|---|--------------------------------------|---|
| <input type="checkbox"/> AFFIDAVIT                                    | <input type="checkbox"/> DECLARATION | <input checked="" type="checkbox"/> EXTENSION OF TIME 1 month         |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING                     |                                      | <input type="checkbox"/> NOTICE OF APPEAL                             |
| <input type="checkbox"/> BRIEF  |                                      | <input type="checkbox"/> OATH OR <input type="checkbox"/> DECLARATION |
| <input checked="" type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0730 |                                      | <input type="checkbox"/> POWER OF ATTORNEY                            |
| <input type="checkbox"/> DRAWINGS                                     |                                      | <input type="checkbox"/> PRELIMINARY STATEMENT                        |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL                        |                                      | <input type="checkbox"/> PRIORITY DOCUMENT                            |
| <input type="checkbox"/> LETTER                                       |                                      | <input type="checkbox"/> STATUS INQUIRY                               |
| <input type="checkbox"/> PCT FILING                                   |                                      | <input type="checkbox"/> SPECIFICATION _____ PGS                      |
| <input type="checkbox"/> IDS - FORM-1449                              |                                      | <input type="checkbox"/> CLAIMS _____                                 |
- FORM 113708 REV. 7/98

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PTO/SB/84 (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *Scott Dax et al*

Application No.: *09/552,969*

Art Unit: *1614*

Filed: *April 20, 2000*

Examiner: *LIU, H.*

Title: *3a,4,5,9b-TETRAHYDRO-1H-BENZ[E]INDOL-2-YL AMINE-DERIVED  
NEUROPEPTIDE Y RECEPTORS LIGANDS USEFUL IN THE TREATMENT OF OBESITY  
AND OTHER DISORDERS*

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ *4,280.00* (37 CFR 1.17(m)) *THE COMMISSIONER IS AUTHORIZED TO CHARGE  
FEE TO DEPOSIT ACCOUNT NO. 10-10750.*

Adjustment date: *05/14/2003* *POSTANBAC*  
*07/24/2002* *AKELLEY* *00000063* *100750* *09552969*  
*01 FC:141* *1280.00 CR*

**A. The reply and/or fee to the above-noted Office action in**

the form of *Response to the Office Action mailed 6/19/01* (identify type of reply):

- ☒ has been filed previously on *01/19/01*  
☐ is enclosed herewith.

**B. The issue fee of \$\_\_\_\_\_.**

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

*06/11/2002* *AWONDAF1* *00000063* *100750* *09552969*

*01 FC:141* *1280.00 CR*  
Adjustment date: *07/24/2002* *AKELLEY*  
*06/11/2002* *AWONDAF1* *00000063* *100750* *09552969*  
*01 FC:141* *1280.00 CR*  
*07/24/2002* *AKELLEY* *00000063* *100750* *09552969*

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07/24/2002 AKELLEY 00000063 100750 09552969  
01 FC:141

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

6-4-02

Date

Signature

Telephone

Number: (332) 504-2818

Ralph R. Palo

Typed or printed name

One Johnson + Johnson Plaza

Address

New Brunswick, NJ 08933

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

6/4/02

Date

Signature

Ralph R. Palo

Typed or printed name of person signing certificate



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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)/280.00

## Complete if Known

Application Number	09/552 969
Filing Date	April 20, 2000
First Named Inventor	Scott Dux et al.
Examiner Name	LIV H.
Group Art Unit	1614
Attorney Docket No.	OKT-1230

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 10-10750  
Deposit Account Name: Johnson + Johnson

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims:  -20\*\* =  X  =   
Independent Claims:  -3\*\* =  X  =   
Multiple Dependent:  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
108 84	208 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
105 130	205 65			Surcharge - late filing fee or oath	
127 50	227 25			Surcharge - late provisional filing fee or cover sheet	
139 130	139 130			Non-English specification	
147 2,520	147 2,520			For filing a request for ex parte reexamination	
112 920*	112 920*			Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*			Requesting publication of SIR after Examiner action	
115 110	215 55			Extension for reply within first month	
116 400	216 200			Extension for reply within second month	
117 920	217 460			Extension for reply within third month	
118 1,440	218 720			Extension for reply within fourth month	
128 1,960	228 980			Extension for reply within fifth month	
119 320	219 160			Notice of Appeal	
120 320	220 160			Filing a brief in support of an appeal	
121 280	221 140			Request for oral hearing	
138 1,510	138 1,510			Petition to institute a public use proceeding	
140 110	240 55			Petition to revive - unavoidable	
141 1,280	241 640			Petition to revive - unintentional	1,280.00
142 1,280	242 640			Utility issue fee (or reissue)	
143 460	243 230			Design issue fee	
144 620	244 310			Plant issue fee	
122 130	122 130			Petitions to the Commissioner	
123 50	123 50			Processing fee under 37 CFR 1.17(q)	
126 180	126 180			Submission of Information Disclosure Stmt	
581 40	581 40			Recording each patent assignment per property (times number of properties)	
146 740	246 370			Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370			For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370			Request for Continued Examination (RCE)	
169 900	169 900			Request for expedited examination of a design application	

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)/280.00

## SUBMITTED BY

Name (Print/Type): RAJESH K. JAIN  
Signature: [Signature]

Registration No. (Attorney/Agent): 29 486

## Complete (if applicable)

Telephone: 732-524-2818  
Date: 6-3-02

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